

ID: CCA\_2011032807510838

Number: **201119029**

Office:

Release Date: 5/13/2011

UILC: 6416.00-00

---

**From:**

**Sent:** Monday, March 28, 2011 7:51:10 AM

**To:**

**Cc:**

**Subject:** Section 6416 Question

Section 6402 allows a credit or refund to the person that made an overpayment. An overpayment is a payment of tax that's more than the person owes. Under this rule, the truck mfg did not make an overpayment on its sale to the retailer...but 6416(b)(2) *deems as an overpayment* the tax paid under section 4051 if the taxed article was sold by any person to a state or local government. So, the truck mfg can get a refund of this overpayment if it meets the requirements of section 6416(a) (the conditions to allowance) and has the proof required by the section 6416(b) regs.